

REMARKS

The Examiner has imposed a restriction requirement, and requested that Applicants elect one of two identified groups of claims for prosecution in connection with the present application.

The groups of claims are as follows:

- I. Claims 1-15 and 28, drawn to methods of performing high-throughput analyses.
- II. Claims 16-27 and 29-31, drawn to devices having biochip arrangements on a carrier.

APPLICANTS' ELECTION

Applicants respectfully elect Group I, Claims 1-15 and 28, drawn to a method of performing high-throughput analyses, with traverse. Applicants reserve the right to file a divisional application for the non-elected claims during the pendency of this application.

ARGUMENTS IN SUPPORT OF TRAVERSAL

The Applicants contend that the methods of performing high-throughput analyses recited in the Group I claims for use in the devices having biochip arrangements on a carrier, corresponding to the Group II claims, present a conventional product/product use whereby examination of both groups of claims would not constitute a "serious burden." MPEP § 803.

The Applicants further note that an examination of the inventorship of the present application and the cited U.S. Patent No. 4,071,315 ("Chateau") demonstrates the Applicants' solid basis for evaluating the advancement of the art reflected in the present application and their contention that the teachings of Chateau do not destroy the unity of the pending claims.

Further, upon the allowance of a claim with a “*special technical feature*” and/or allowance of a generic claim, Applicant respectfully requests rejoinder of all claims containing that “*special technical feature*” and/or all claims dependent on that generic claim.

For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

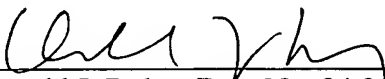
CONCLUSION

Applicants respectfully request that this application be examined on the merits at the earliest possible time.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2548 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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